HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

–

WRIT PETITION NO. 26867 OF 1995

BETWEEN

S. Bhaskara Reddy

.....**Petitioner**

And

Government of Andhra Pradesh rep. by its Secretary, Transport, Roads & Buildings Department, Hyderabad & others.

.....**Respondents**

:: O R D E R::

Counsel for the Petitioner : Shri I. Gopal Reddy

Counsel for the Respondents : Government Pleader for

Transport

Dated: 29.03.2006

In this petition, the petitioner has prayed for striking down Rule 297-A(1)(c) of the Andhra Pradesh Motor Vehicles Rules, 1989 on the ground that the same is ultra vires to Section 74 read with Section 2(7) of the Motor Vehicles Act, 1988.

At the hearing, learned counsel for the petitioner fairly stated that the rule impugned in the writ petition was struck down by a Division Bench of this Court in **B. Noorullah Khan v. Government of India,** but the judgment of the High Court has been reversed by the Supreme Court in **State of Andhra Pradesh v. B. Noorullah Khan**.

In view of the statement of the learned counsel, it is clear that the constitutionality and vires of the impugned Rule has been upheld by the Supreme Court. Therefore, the present writ petition is liable to be dismissed. Ordered accordingly.

G.S. SINGHVI, CJ

29.03.2006

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